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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,054	09/24/2001	Tetuyuki Tohyama	D-1177	5203
32628	7590	03/23/2005	EXAMINER	
HAUPTMAN KANESAKA BERNER PATENT AGENTS SUITE 300, 1700 DIAGONAL RD ALEXANDRIA, VA 22314-2848			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2622	
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/961,054

Applicant(s)

TOHYAMA ET AL.

Examiner

Houshang Safaipoor

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/15/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “transparent **first guide means for reading said one surface** of the document by the first reading means, second guide means formed at a side opposite to the first guide means to form together with the first guide means a first path having a predetermined gap, transparent **third guide means for reading the other surface of the document**”. Guide means does not perform reading of the document.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fullerton (U.S. Patent No. 5,280,368).

Regarding claim 1, Fullerton discloses an image reading apparatus for reading indicia on two surfaces of a document automatically at a time, comprising:

a document supply tray for placing a document to be fed for reading, document feed means for feeding the document on the document supply tray for reading, discharge means for discharging documents after reading, and a reading station situated between the document supply tray and the discharge means (col. 4, lines 9-42) and including first reading means for reading one surface of the document, second reading means for reading the other surface of the document (scanning elements 32 & 34, col. 4, lines 43-46), transparent first guide means for reading said one surface of the document by the first reading means (platen glass 90, col. 5, lines 62-66), second guide means formed at a side opposite to the first guide means to form together with the first guide means a first path having a predetermined gap (fig. 2, ref. 206), transparent third guide means for reading the other surface of the document by the second reading means (fig. 2, platen glass 92), and fourth guide means formed at a side opposite to the third guide means to form a second path together with the third guide means (fig. 2, ref. 104), said second path having a gap smaller than said predetermined gap (fig. 2).

Regarding claim 2, Fullerton discloses an image reading apparatus according to claim 1, wherein said first and fourth guide means have guide surfaces connected together to form a flat and continuous document guide surface (fig. 2).

Regarding claim 3, Fullerton discloses an image reading apparatus according to claim 2, wherein said second guide means is formed obliquely to guide the document toward the third guide means (fig. 2, ref. 206).

Regarding claim 4, Fullerton discloses an image reading apparatus according to claim 3, wherein said second guide means includes a guide member protruding into the first path to guide the document toward the second path (fig. 2, ref. 206).

Regarding claim 5, Fullerton discloses an image reading apparatus according to claim 3, wherein said first reading means comprises a light source for illuminating the document, a lens for collecting light, a plurality of mirrors for directing light from the document to the lens and an image sensor for converting the light collected by the lens into electrical signals, and said second reading means comprises a light source for illuminating the document, a SELFOC lens for collecting light and an image sensor having a sensor array for converting the light collected in the lens into electrical signals (col. 5, lines 9-33).

Regarding claim 6, Fullerton discloses an image reading apparatus according to claim 1, wherein said third guide means is formed slightly away from the first guide means at a downstream side in a document transport direction (fig. 2, platens 90 and 92).

Regarding claim 7, Fullerton discloses an image reading apparatus according to claim 6, wherein said first guide means and said third guide means are formed at positions where simultaneous reading of the indicia on the document is possible by the first and second reading means (fig. 2).

Regarding claim 8, Fullerton discloses an image reading apparatus according to claim 1, wherein said reading station further includes supporting means for swingingly supporting the second guide means and third transparent guide means (fig. 2).

Regarding claim 9, Fullerton discloses an image reading apparatus according to claim 8, wherein said second guide means and said third guide means are formed as one unit (fig. 2).

Regarding claim 10, arguments analogous to those presented for claim 1 are applicable to claim 10.

Regarding claim 11, Fullerton discloses an image reading apparatus according to claim 10, further comprising a supply tray to place the document to be read by the first and second reading means; and a supply path to guide the document from the supply tray and formed obliquely toward the transport path (figs. 1 & 2, col. 4, lines 18-21 and col. 6, lines 20-24).

Regarding claim 12, Fullerton discloses an image reading apparatus according to claim 10, wherein said second contact glass means is formed slightly away from the first contact glass means at a downstream side in a document transport direction (fig. 2, platens 90 and 92).

Regarding claim 13, arguments analogous to those presented for claim 7 are applicable to claim 13.

Regarding claim 14, Fullerton discloses an image reading apparatus according to claim 10, further comprising a third contact glass for placing a document arranged adjacent to the first contact glass means, at least one section of said first reading means moving to read the document immovably placed on the third contact glass (col. 6, lines 61-67).

#### ***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
March 15, 2005

  
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